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SENATE
REPORT
No. 97-588

WAIVER UNDER SECTION 402(a) OF THE CONGRESSIONAL BUDGET ACT WITH RESPECT TO THE CONSIDERATION OF H.R. 5427

SEPTEMBER 27 (legislative day, SEPTEMBER 2), 1982.—Ordered to be printed

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Mr. PERCY, from the Committee on Foreign Relations, submitted the following

REPORT

together with

MINORITY VIEWS

[To accompany S. Res. 480]

The Committee on Foreign Relations, having had under consideration an original resolution to waive section 402(a) of the Congressional Budget Act with respect to H.R. 5427, a bill to provide for the broadcasting of accurate information to the people of Cuba, and for other purposes, having considered the same, reports favorably thereon and recommends that the resolution do pass.

PURPOSE OF THE RESOLUTION

Section 402(a) of the Congressional Budget Act of 1974 provides that it shall not be in order in either the House of Representatives or the Senate to consider any bill or resolution which, directly or indirectly, authorizes the enactment of new budget authority for a fiscal year, unless that bill or resolution is reported out in the House or the Senate, as the case may be, on or before May 15 preceding the beginning of such fiscal year. This deadline was extended to May 28, 1982, for fiscal year 1983 authorizations.

Since H.R. 5427 was reported subsequent to the statutory deadline for the reporting of new authorizing legislation for the fiscal year 1983, this resolution waiving section 402(a) of the Budget Act with respect to the consideration of the bill must be adopted before that bill can be considered by the Senate.

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COST OF H.R. 5427

Section 4 of H.R. 5427 authorizes the appropriation of $7.5 million to carry out the Radio Broadcasting to Cuba Act.

NEED FOR LEGISLATION

The Administration has undertaken a series a measures to increase the cost of Cuban adventurism and to moderate Cuban foreign policy. Radio Marti is one of these measures. Its purpose is to make the Cuban people more aware of the costs to them of Castro's mismanagement at home and adventurism abroad and to provide them with the information needed to make informed judgments on these policies and actions and to try to hold their government more accountable. Radio Marti would broadcast to Cuba information and programs similar to those broadcast by Radio Free Europe and Radio Liberty behind the Iron Curtain. This is an important non-confrontational, peaceful foreign policy initiative.

COMMITTEE ACTION

H.R. 5427 was referred to the Foreign Relations Committee on August 12, 1982, and after a public hearing on August 19, it was ordered reported favorably to the Senate. An explanation of the bill is contained in the Committee report (S. Rept. 97–544). In light of the need for extensive hearings on H.R. 5427 and S. 1853, it was not possible for the Committee to report it prior to the May 28 deadline of the Budget Act, thus the need for this waiver.

The pending resolution was considered by the Committee on Foreign Relations on September 21, 1982, and by a record vote of 12–4 it was ordered reported favorably to the Senate (Senators Percy, Baker, Helms, Hayakawa, Lugar, Mathias, Kassebaum, Boschwitz, Pressler, Biden, Glenn, and Sarbanes voted aye; Senators Bell, Zorinsky, Tsongas, and Dodd voted nay).

MINORITY VIEWS OF SENATORS PELL, ZORINSKY, TSONGAS AND DODD

The proposed Budget Waiver underscores the serious financial implications of Radio Marti. H.R. 5427 authorizes $7,500,000 for Radio Marti for fiscal year 1983. The $7,500,000 appears to be only part of the total FY83 operating expenses for Radio Marti. In a letter to the Senate Appropriations Committee prior to its September 23 markup of the continuing resolution (H.J. Res. 599), the Office of Management and Budget requested the inclusion of $12,000,000 for Radio Marti in FY83. (This in spite of the fact that the House of Representatives considered a $10,000,000 level too high and cut the authorization to $7,500,000.)

Section 6 of H.R. 5427 authorizes payments to radio stations making technical adjustments to mitigate the effects of Cuban interference. The Congressional Budget Office has stated "With an estimated cost of $100–200 thousand per station such payments could exceed $40 million for improvements alone."

As large as these direct costs are, the $47,500,000 plus contained in this bill may only be a small fraction of the total costs of Radio Marti. Cuban officials have made it unequivocally clear, through the word and deed, that they will respond to Radio Marti by counter broadcasts on frequencies used by U.S. AM broadcasters. Such counter broadcasting could reduce the night-time coverage of clear channel stations, such as Des Moines' WHO, Salt Lake City's KSL and Chicago's WMAQ, from a radius of several thousands miles to a radius of 30 or 40 miles. The costs to U.S. broadcasters in terms of lost advertising revenues could exceed $100,000,000 *each year*. It is very likely that the Congress will be asked to compensate the broadcasters for these losses and, indeed, it would seem very unfair for the broadcasters to bear the disproportionate costs of this foreign policy initiative.

At a time of major cuts in government programs affecting the lives of millions of Americans, Congress has an obligation to scrutinize the costs and benefits of every new program. The merits of Radio Marti must be weighed against educational opportunities for our young people, material assistance to the truly needy, the requirements of a strong national defense, and a range of other priorities. Therefore, we believe it is incumbent on the Budget Committee to examine fully the budget issues involved in this proposed waiver. Before considering H.R. 5427 the Senate should know if the actual first year operating costs on Radio Marti are $7,500,000 or $12,000,000. The Senate needs a full accounting of the probable costs of Section 6. Finally, the Senate should have a considered and realistic appraisal of the financial impact of retaliatory Cuban broadcasts on private U.S. broadcasters.

We believe a thorough examination of the budget issues related to H.R. 5427 will show the total costs to be excessive relative to any con-

ceivable benefits. We see no justification in imposing additional burdens on the American taxpayer by breaking the next year's already high budget limits for this purpose. Therefore, we oppose the budget waiver for H.R. 5427.

CLAIBORNE PELL.
EDWARD ZORINSKY.
PAUL E. TSONGAS.
CHRISTOPHER J. DODD.

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